IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 648 OF 1999

Sou. Vinaya Vinayak Bhatkar.... ... Petitioner.

Versus

Lat.Smt.Janakibai (Akka) Tendulkar and others. ... ... Respondents.

Mr. P. N. Joshi with Ms.Deepali Kale for the Petitioner.

Mr. P.M.Patel, AGP for Respondent Nos.2 and 3.

CORAM : R. M. LODHA & NARESH H. PATIL, JJ.

DATED : 25TH JULY, 2006.

P.C. :

Mr. Joshi, Counsel for the petitioner, after arguing the writ petition for some time submitted that instead of dealing with the diverse arguments raised in the writ petition on merits, the petitioner may be permitted to withdraw this petition with liberty to her to make representation to respondent no.3 for redressal of her grievances. Mr. Joshi submits that by virtue of the interim order passed by this Court, the petitioner continues to work as Superintendent of the Remand Home/ Observation Centre run by respondent no.1 and that until the representation is decided by respondent no.3, the interim order dated 27th July, 1999 be continued. He

also submitted that all contentions raised in the writ petition may be kept open to be agitated by the petitioner in subsequent proceedings, if necessary. Mr. P.M. Patil, Assistant Government Pleader, is not averse by the course suggested by the Counsel for the petitioner.

2. Accordingly, we dispose of the writ petition by following order:

(1) The writ petition is allowed to be withdrawn.

(2) The petitioner shall be at liberty to make representation to respondent no.3 for redressal of her grievances concerning the appointment / approval / regularisation concerning her appointment as Superintendent of Observation Home run by respondent no.1.

(3) If the representation is made by the petitioner within four weeks from today, the interim order passed by this Court on 27th July, 1999 shall remain operative until disposal of the representation and for a period of four weeks thereafter.

(4) All contentions raised in the writ petition are

kept open to be agitated subsequently, if necessary.

(5) It is clarified that if representation is not made by the petitioner within four weeks from today, the respondent nos.2 and 3 shall be free to take appropriate action against the petitioner and respondent no.1.

(6) No costs.

Sd/-

(R. M. LODHA, J.)

Sd/-

(NARESH H. PATIL, J.)